

Remarks

Introduction

This Request for Reconsideration is responsive to the final rejection mailed October 10, 2003. Entry of the attached amendments is respectfully requested as they place the application either in condition for allowance in better form for appeal.

Numerous claims are canceled without prejudice or disclaimer. The dependency of certain other claims has been adjusted in view of the claim cancellations.

Remaining **independent claims 6, 7, 16, and 17** are substantively identical to such claims as originally filed. These claims were previously placed in independent form without substantive amendment.

New **dependent claims 39 and 40** are identical to existing dependent claims 29 and 30.

The Claimed Invention

Claims 6 and 16 require, among other things, that the distance between an x-ray source and the rotating support be adjustable; **claim 7** requires that the distance between the axis of rotation and the x-ray source be adjustable, in each case as is spelled out in the claim. Examples of this adjustability are discussed at page 10, lines 17-27 and page 11, lines 12-19 of the application as filed.

Neither Golo nor Newman disclose or suggest such adjustability, nor does the office action even so allege. In each of these references, the distance between the radiation sources and their respective conveyors or turntables is fixed. Accordingly, the office action fails to establish a *prima facie* case of obviousness in regard to claims these claims.

Claim 17 requires, among other things, a sensor for determining a dimension of the object to be irradiated. Examples of sensors are discussed generally in the paragraph beginning at page 11, lines 20. Neither Golo nor Newman disclose or suggest such a sensor, nor does the office action even so allege. Accordingly, the office action fails to establish a *prima facie* case of obviousness in regard to this claim.

For at least the foregoing reasons, it is submitted that independent claims 6, 7, 16, and 17 distinguish patentably and non-obviously over the prior art of record. The remaining dependent claims are likewise directed to allowable subject matter at least by virtue of their dependency therefrom.

Additional reasons in support of patentability have been presented in previous papers.

Interview

Examiner Noori is thanked for the courtesy extended during the December 4, 2003 telephone interview involving Examiner Noori, inventor Dr. James McNally, and the undersigned.

Patentability of the then-pending claims was discussed. In particular, applicant argued that the pending claims were patentable over the prior art of record. Specifically to the present request for reconsideration, applicant noted that Newman and Golo do not disclose or suggest the adjustability or sensor as discussed above in connection with independent claims 6, 7, 16, and 17 respectively.

No substantive agreement was reached, though it was agreed that the applicant would submit the instant paper.

Conclusion

It is submitted that the present application is in condition for allowance. Withdrawal of the final rejection and an early indication of allowability is earnestly solicited.

Respectfully submitted,


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